

APPLICATION FORM ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

4:00 Wed

SECTION A (To be completed by applicant)

1. Name of Project NAME NOT YET SELECTED (ROBERT'S FARM)
2. Location of Project 2474 BURLINGTON PIKE (KY 18)
3. Total Acreage of Site 39.19
4. Current Zoning of Site SR-2
5. Proposed Zoning (Classification being requested) UR-1 & C-2
6. Proposed Uses (please specify each use) MULTI FAMILY CONDOMINIUMS WITH CLUBHOUSE AND REGIONAL/COMMUNITY COMMERCIAL
7. Names of Applicant(s) Glenn Brehm
HILLS BUILDING & CONSTRUCTION SERVICES NO. 1, INC.
8. Phone Number (513)984-0300 Fax No. (513)984-0352
9. Address of Applicant(s) 7420 MONTGOMERY ROAD
CINCINNATI OHIO 45236
City State Zip
10. Name of Property Owner(s) HOBERT & MARY E ROBERTS
11. Phone Number (606) 586-7352 Fax No. NONE
12. Address of Property Owner(s) 2474 BURLINGTON PIKE
BURLINGTON KY 41011
City State Zip
13. Proposed Building Intensities (please specify) 320 CONDOMINIUMS ON 32.19 ACRES = 9.9 D.U./AC
80,000 SQUARE FEET OF COMMERCIAL ON 7 ACRES
14. Are there any existing buildings on the site? YES
How many? 2 RESIDENCES, 1 GARAGE, 1 ABANDONED BARN, 1 SHED
15. Deed Book 255 Page No. 301-303 Group No. _____
16. Are you also applying for:
YES Conditional Use Permit
Dimensional Variance
17. Have you submitted a Concept Development Plan? YES
18. Have you had a pre-application meeting with BCPC Staff? YES
19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several ~~months~~ WEEKS:
XXX Boone County Water and Sewer District
NA Florence Water and Sewer Commission
XXX Union Light Heat and Power
XXX Cincinnati Bell
NA Owen County Rural Electric
 Boone County Public Works Department

(over)

EXHIBIT "A"

STAFF REPORT

Request of Hills Building and Construction Services No. 1, Inc. (applicant) for Hobert and Mary E. Roberts (owners) for a Zoning Map Amendment on a 39.19 acre site located off KY 18 and west of Boone Woods Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) in order to allow a residential and commercial development.

May 19, 1993

Request

This is the second Public Hearing held on this particular request, the first being on March 24, 1993. Based on comments heard at that Public Hearing, the applicant has revised his Concept Development Plan. A new Public Hearing has been scheduled to allow the public and Planning Commissioners opportunity to review the new information. The current plan is a request of Hills Building and Construction Services NO. 1, Inc. for a Zoning Map Amendment from SR-2 to UR-1 and C-2. The submitted Concept Development Plan indicates 368 Condominiums, increased from 320, and a 1.5 acre office out parcel. The original plan indicated 7 acres of commercial and office usage. The proposed residential buildings are owner-occupied condominiums, and are all flat style (no townhouses). The South Fork Condominium development on Old U.S. 42 in Florence contains very similar buildings. That existing development is built at less than 7 dwelling units per acre, as compared to the 9.76 units per acre under the current proposal. Clubhouse, tennis and lake facilities are planned similar to the U.S. 42 Hills development. The submitted Concept Development Plan indicates the unit breakdown. A letter submitted by the applicant is attached to this report, and describes the development in detail. The applicant has also submitted a cross section drawing that indicates minimal visibility of the residential units and garages from KY 18.

The applicant had submitted a traffic analysis for the March 24, 1993 Public Hearing, which indicated that some traffic movements, particularly left turns and through movements off the main project drive would operate at a very low level of service. Left turns into the development from KY 18 were also found to be difficult. The report suggested that a signal should be examined at the main development drive, as well as deceleration and acceleration lanes on KY 18. The proposed changes to the Concept Development Plan will result in a decrease in traffic generation, and should help the level of service at the proposed intersection.

Site and Surroundings

The site is rolling farmland that is mostly devoid of mature trees. The front of the site is situated somewhat higher than KY 18, and the middle portion of the site contains a creek that enters the site from Boone Woods Park. Much of the interior of the site is highly visible from Boone Woods.

North - Open farmland and woods, zoned SR-2, part of the Derby Farms Preliminary Plat, approved in 1990.

East - Boone Woods Park, zoned R, and a single family residence, Zoned R.

- South -** Vacant property at the entrance to Kingsgate Crossing, zoned C-2, Ammon nursery, zoned C-3, and the Quik Check convenience mart (vacant), zoned C-1.
- West -** Single Family residences and three apartment buildings in Burl Park Subdivision, zoned SR-1 and UR-2; a veterinary clinic zoned C-1, and a single-family residence on KY 18 zoned SR-2.

1990 Comprehensive Plan

The Housing Element and its Goal and Objectives generally recommend that higher density or multi-family residential be located along arterial roadways with easy access to commercial, public, and recreation opportunities. The Comprehensive Plan also recommends a transition of residential densities and from commercial land uses to lower density residential.

The Comprehensive Plan, in its Housing and Land Use Elements recommends that high density development be sensitive to surrounding land uses in terms of impacts that include buffering, pedestrian and vehicle access, stormwater.

The Land Use Element cautions against a continuous sprawl of commercial uses along KY 18 because of the visual and traffic impacts. Staff believes that when the text addresses this point by recommending some residential uses along KY 18 to break the potential commercial expanse, it is saying that this residential should immediately adjoining the roadway. The Future Land Use Map, Section C-3, indicates High Suburban Density residential for the entire site. This classification is designed to allow a future density of approximately six (6) dwelling units per acre.

The text for the immediate area includes the following passage: "West ofBoone Woods Park, High Suburban Density residential development should provide a transition into commercial development on KY 18, as well as providing a break in the commercial uses along the roadway." The plan states that all development adjoining Boone Woods park must be designed to avoid negative visual and stormwater impacts on the park. The plan goes on to recommend a Burlington Comprehensive Plan, which should include a road connection between KY 18 and Conrad Lane in this area. The text also recommends a general spacing of 600 feet for major access points along KY 18 and the development of future frontage connections.

Staff Concerns

1. The development would have a profound visual impact on Boone Woods Park. Staff suggests that an alternative orientation of the buildings and parking be investigated where buildings, especially three level ones, are located closer to the interior of the site. The applicant has revised the Concept Development Plan to increase setbacks along a portion of the park, however, staff is still of the opinion that the applicant should consider locating the parking adjacent to the park and buildings away from the property line.

2. The site adjoins the Derby Farms Preliminary Plat. Adequate buffering or transition of densities is needed.
3. The approved Derby farms plat indicates a future public street connection to this site. The multi-family development would make this connection unlikely.
4. There will be visibility and drainage impacts on Burl Park, and on single family uses to the east and west along KY 18.
5. Future connections to the residential lot to the east may or may not be suitable.
6. This development provides Boone County with its first example of urban uses encroaching on an established public park. There will be pedestrian demand to cross the "border" on both sides - park users desiring access to the proposed lake and condo residents desiring access to the park. Staff suggests that, if approved, the developer work with the Fiscal Court in achieving reasonable arrangement on use of these areas.
7. Staff is very concerned about the traffic impact at KY 18, and believes that signalization would be needed from a safety standpoint. Staff supports a left-turn lane and a right-turn deceleration lane, but not an acceleration lane.
8. Staff believes that, in accordance with the Comprehensive Plan, urban residential uses could be developed along KY 18 without commercial uses. This is particularly true with the situation of the site above KY 18.

Conclusion

The Planning Commission and Fiscal Court need to carefully consider this request in light of its many potential impacts. A Burlington Comprehensive Plan has been initiated, but not completed, therefore, the development of this site is important from all the perspectives described in this report. Should the request be approved the Future Land Use Map and text of the Comprehensive Plan would need to be changed.

Respectfully Submitted,



David A. Geohegan, AICP
Senior Planner

DAG:par

HILLS BUILDING & CONSTRUCTION SERVICES, NO. 1, Inc.

7420 MONTGOMERY ROAD
CINCINNATI, OHIO 45236
(513) 984-0300
FAX (513) 984 0352

4.16.93

Post-It™ brand fax transmittal memo 7671		# of pages + 2
To	Mr. William Viox	From
Co.	BCPC	Co.
Dept.	Chairman	Phone #
Fax #	513-984-0300	Fax #

513-2264

April 16, 1993

Mr. William Viox, Chairman
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Re: Zone Change
39 Acre Roberts Tract
KY-18

Dear Mr. Chairman:

At the March 24, 1993 Boone County Planning Commission public hearing I presented a zone change request and concept plan for a 39 acre tract located on KY-18 immediately west of Boone Woods Park.

In response to the comments at the public hearing, we have made revisions to the concept plan as follows:

1. The seven acres of commercial (C-2) use along the frontage of KY-18 has been reduced by 5.5 acres, from 7 acres to 1.5 acres.
2. The proposed number of dwelling units has been increased from 320 to 368 by utilizing the 5.5 acres of the commercial area in #1 above.
3. The three residential buildings adjacent to the park have been moved westwardly approximately 20 feet and the 24 unit, three story building along the park property has been reduced to a 16 unit, two story building.

The above changes were made for a presentation to the Zone Change Committee on April 12, 1993. Although the revised plan maintains the same C-2 and UR-1 zoning as the original zone request, it was the opinion of the Committee that, although the plan was very similar to the original plan, the proposed changes were more than minor in scope and another public hearing should be held for the revised plan.

We are, therefore, requesting that we be placed on the May 19, 1993 agenda of the Planning Commission, if possible.

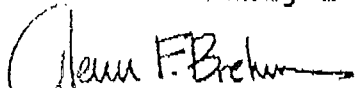
Mr. William Viox, Chairman
April 16, 1993
Page 2

Additionally, because the revised plan is similar to the original plan, only limited review will be necessary. We are, therefore, requesting that we not be required to submit a new application and that we be assessed only the fees for advertizing the public notice and for notification of the adjoining property owners.

Your consideration of our requests would be appreciated.

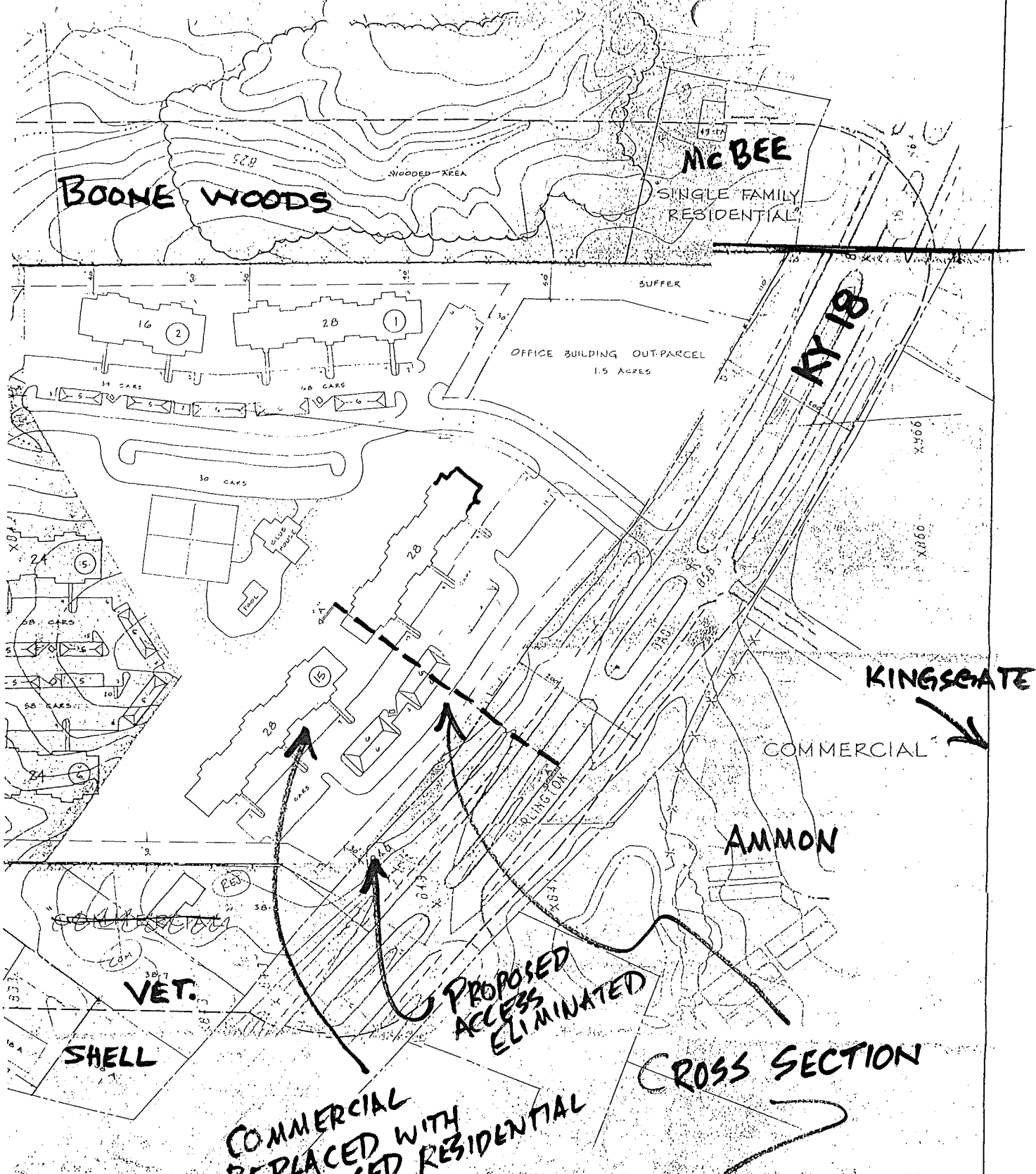
Sincerely,

Hills Building & Construction Services No. 1, Inc.



Glenn F. Brehm
Land Development Manager

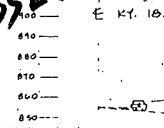
GFB/paw



PT. SITE PLAN

SCALE 1" = 60'

DEVELOPER
 # CONSTRUCTION SERVICES #, INC.
 MONTGOMERY ROAD
 INDIAN OH. 45236



SECTION A-A
 (SCALE 1" = 30' VERT. 1" = 100')

NORTH

KENTUCKY ROUTE 18 DEVELOPMENT
 ROBERTS PROPERTY
 BOONE COUNTY, KENTUCKY

MARCH 2, 1993
 REVISED 4-12-93 (FRONT PORTION OF SITE)
 GFB/RPS

MAY 19 CONCEPT PLAN

SUBMITTED BY
APPLICANT
FOR MARCH 24
PUBLIC HEARING

GENERAL SITE CHARACTERISTICS:

The property is presently owned by Hobert and Mary E. Roberts. The site is approximately 39.2 acres and is gently to moderately rolling farm land. A relatively large creek flows east to west through the approximate middle of the site with over 85 percent of the site draining to this water course. With the exception of hedge rows along the old property fence lines, a stand of mature trees in the northeast corner of the site and along the creek, the site has no significant tree cover.

The Concept Development Plan proposes to retain the property line hedge rows and mature tree stand at the northeast corner of the property. The plan also proposes the construction of a dam at the west end of the property which will create the storm water retention facility for the site and provide access across the creek to the northern part of the site. Natural drainage patterns on the site have been preserved.

Building are sited to follow the topography, to capitalize on the scenic views of the adjacent Boone Woods Park and the retention pond and to minimize the visual impact on the subdivision to the west (buildings along the subdivision are over 250 feet away from the houses).

TRANSPORTATION PATTERNS:

The Concept Plan proposed a single circulation road to serve the residential portion of the site. This road will connect to KY-18 opposite the existing Kings Gate Drive. Parking for the condominium buildings is located in courts which branch off the circulation road and serve each building or cluster of buildings.

The commercial sites (2) will also have access onto this circulation road. The western commercial tract will have an additional access from KY-18 at the western end of the site. This will provide a parallel frontage road configuration.

The main circulation road is proposed as a public road from KY-18 to the north line of the commercial zone. From that point through the multi-family zone the road would be private.

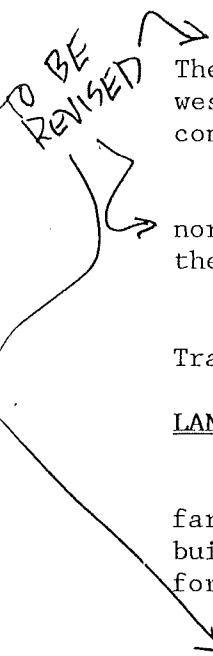
A preliminary traffic analysis prepared by Pflum, Klausmeier & Gehrum Traffic Consultants is enclosed.

LAND USE CHARACTERISTICS:

The existing 39.2 acre property is essentially uncultivated, vacant farmland containing two single family ranch style residences and several out-buildings. It is presently zone SR-2. The Land Use Plan identifies the property for HSD (High Suburban Density Residential).

The proposed rezoning is for seven acres of C-2 along KY-18 and for 32 acres of UR-1 located north of the commercial area.

TO BE
REVISED



TO BE
REVISED
BY APPLICANT

The Concept Development Plan for the C-2 zone proposes the creation of two parcel each approximately 350 feet in depth. These parcels would have access from the main circulation road serving the residential area. The larger tract (west of the circulation road) would contain a single story retail building containing approximately 60,000 square feet. The smaller parcel to the east of the circulation road might possibly contain a professional services building containing approximately 20,000 square feet. No specific uses or building designs have been developed for this zone.

368
The Concept Development Plan for the 32 acre UR-1 zone proposes the development of 320 condominium units (9.9 D.U. per acre). The building types would be a combination of two and three story structures containing between 8 and 36 one floor condominium units very similar in design to the Hills South Fork Creek development. The condominiums will be a combination of two bedroom and two bedroom with den dwellings ranging in size from 1,120 square feet to 4,440 square feet respectively.

A color rendering of a typical building is enclosed as part of this submittal.

UTILITIES AND INFRASTRUCTURE:

Water, electric, telephone, gas, and cable TV are available along the property frontage on KY-18. The Sanitary sewer system will tie to the lift station in Boone Woods Park at present. However, a new trunk line sanitary sewer line is scheduled to be installed along the creek to eliminate the Boone Woods lift station. This line is scheduled for completion in 1993. If constructed, this new line would then provide the sanitary sewer service for the proposed development.

The Storm water on the site will be collected and discharged into the proposed retention pond. Basic drainage patterns will not be altered. Approximately 85 percent presently drains to this creek and will continue to do so post-development.

COMMUNITY FACILITIES:

In terms of the impact of the 320 condominiums on the school system, Hills maintains detailed demographic information on first time buyers in all it's developments. Almost universally there will be approximately one school aged child for every 10 condominiums. Thus, the proposed development would have a total of 32 school aged children. Based upon the real estate taxes generated by the proposed development and the low number of school aged children, the proposed development will generate a higher dollar per school aged child than any other type of residential development.

RELATIONSHIP OF PROPOSED ZONE CHANGE WITH COMPREHENSIVE PLAN:

With the exception of the residential density, the proposed Zone Amendment and Concept Development Plan are consistent with the Comprehensive Plan which states "West of this site (new elementary school) and Boone Woods Park, High Suburban Density Residential development should provide a transition into commercial development on KY-18, as well as, providing a break in the commercial uses along the roadway."

Regarding the residential density issue, the existing SR-2 zone permits up to 8 dwellings per acre. Given that the property immediately north of the subject property is zoned SR-2 and that there is an existing UR-2 zone to the west of and adjacent to the subject property. The proposed UR-1 is an appropriate transitional use to the existing and proposed commercial uses along KY-18. Further, as shown on the Concept Development Plan, the proposed residential density is 9.9 dwelling units per acre rather than the 12 dwelling units per acre permitted under the UR-1 zone. All other aspects of the Concept Development Plan such as building height, setback, parking requirement, accessory and conditional uses are the same as the SR-2 zone.

SITE DEVELOPMENT SUMMARY (PRELIMINARY):

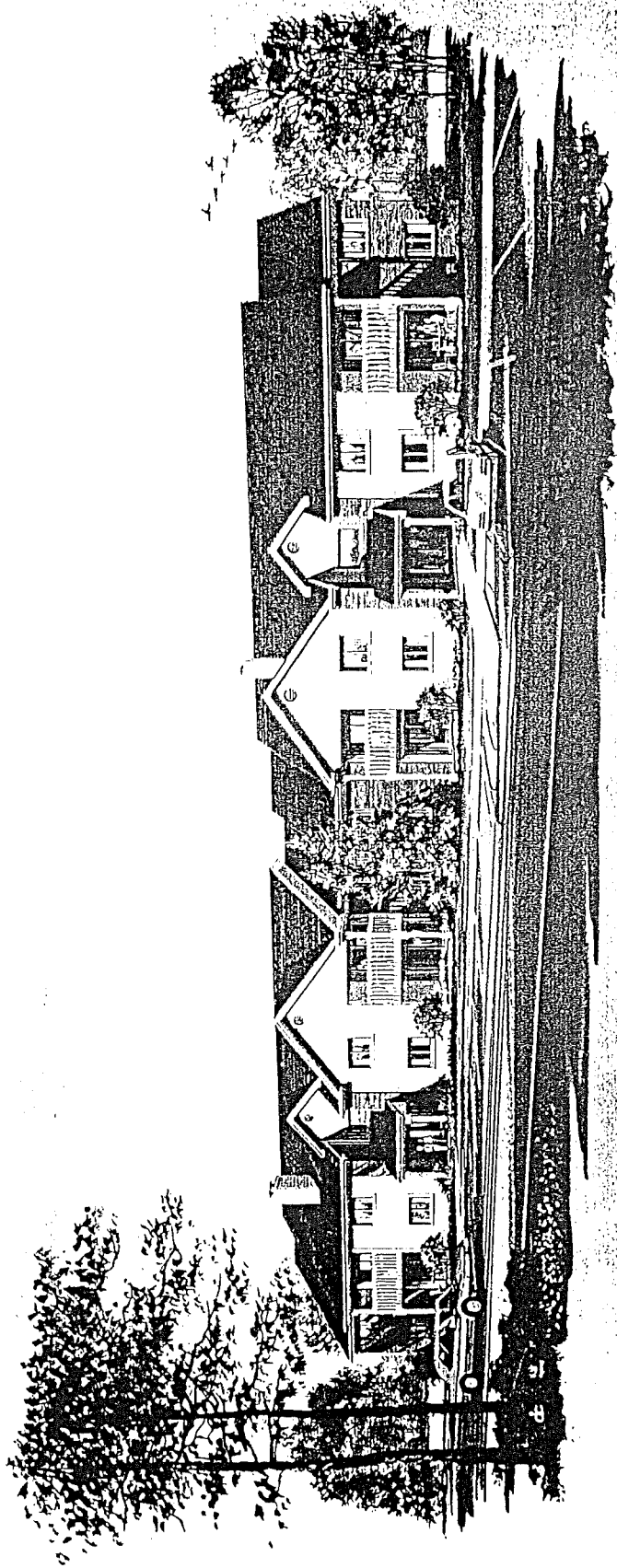
RESIDENTIAL - 32.2 ACRES:

Bldg. No.	2BR Units	2BR/Den Units	Total Units	Surface Parking	Garages	Total Parking	Parking Ratio
1	28	0	28	50	18	68	2.4
2	16	0	16	29	10	39	2.4
3	12	12	24	42	16	58	2.4
4	20	8	28	50	18	68	2.4
5	24	0	24	42	16	58	2.4
6	24	0	24	42	16	58	2.4
7	20	8	28	50	18	68	2.4
8	12	12	24	42	16	58	2.4
9	12	12	24	42	16	58	2.4
10	20	8	28	50	18	68	2.4
11	0	8	8	15	5	20	2.4
12	8	8	16	29	10	39	2.4
13	12	12	24	42	16	58	2.4
14	<u>12</u>	<u>12</u>	<u>24</u>	<u>42</u>	<u>16</u>	<u>58</u>	<u>2.4</u>
Total	220	100	320	567	209	776	2.4

Density: 9.94 D.U. Per Acre

Amenity Package:

- Clubhouse
- Pool
- Two Tennis Courts (Lighted)



BOONE COUNTY PLANNING COMMISSION

May 19, 1993

7:00 P.M.

PUBLIC HEARING

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 7:10 P.M. and introduced the item on the Agenda:

1. Applicant: Hills Building and Construction Services No. 1, Inc. for Hobert and Mary E. Roberts (owners)
Request: Zoning Map Amendment

The request of Hills Building and Construction Services No. 1, Inc. (applicant) for Hobert and Mary E. Roberts (owners) for a Zoning Map Amendment on a 39.19-acre site located off KY 18, west of Boone Woods Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) in order to allow a residential and commercial development.

Following an explanation of the Public Hearing process, Mr. Neltner asked for the Staff Report.

Staff Member Dave Geohegan presented the Staff Report (see Staff Report). He noted a letter from Mr. Glenn Brehm, Land Development Manager for Hills Building & Construction Services, which was attached to the Staff Report, and summarized the differences between the plan submitted in March, 1993 and the current plan.

Mr. Glenn Brehm submitted to the Commission his report entitled, "Revised Rezone Application, Roberts Farm", which he reviewed. He noted that an 8.5" x 11" reduction of the plan to be used in comparing the two plans was attached to the report. Mr. Brehm stated that there are two houses on the property. The property is bisected by a relatively large stream that will be dammed along the west property line to create a retention pond to drain about 85% of the site and to serve as a major focal feature. The buildings are located based on the topography. There is as much effort as possible to reduce the impact on the adjoining properties. The plan has been modified so that all of the buildings along Boone Woods Park are now two stories and have been moved further from the property line to a range of 40' to 50' from the property line. Along the western property line, common to Carlton Drive, the buildings average 275 feet from the structures on Carlton Drive. They have provided for a connection onto KY 18 opposite Kings Gate Drive. Parking for the development is in parking courts and there is no parking along the major road, which provides safety, convenience, and access benefits.

Mr. Brehm stated that the commercial site is reduced to 1.5 acres from the original 7 acres. The commercial area is at the southeast corner of the property, adjacent to the circulation road and KY 18. On the previous plan, due to the amount of commercial property proposed, the traffic count was approximately 7,898 vehicles per day; and the proposed plan reduces that number by 60% to 3,176 vehicles per day. These numbers were calculated using ITE data.

Mr. Brehm stated that the proposed development contains 37.7 acres of Residential One (UR-1) and 1.5 acres of Commercial Two (C-2) zoning. The number of dwelling units in the previous plan was 320, and it is now 368 due to the elimination of about 5.5 to 6 acres of commercial property being replaced with two additional condominium buildings. The revised plan is in context with the Comprehensive Plan Land Use Plan for this area which suggests high density residential development with open space along KY 18, and a moderate amount of commercial and transitional uses to the abutting properties. They have made efforts to talk to the abutting property owners, particularly along KY 18 and to the east and west of the site, to get their input and to recognize the suggestions in the Land Use Plan.

Using a large copy of the plan displayed on the easel, Mr. Brehm indicated the two 28-unit condominium buildings which will replace the commercial uses. The buildings are back from KY 18, beyond the Roberts property, and on a line with the pole barn. The parking is in the front. There will be a berm along the property line at KY 18. An angle of vision is created from KY 18 so that the garages will not be seen and only the tops of the buildings would possibly be seen from KY 18; and the vision is further reduced by the landscaping to be installed on the mound. The suggestion of the Land Use Plan to maintain open space along KY 18 is realized by the placement of the buildings and the parking in the front.

Mr. Brehm stated that the density with the 368 units is 9.76, and in the previous proposal the density was 9.9. The existing SR-2 zoning would allow the construction of about 313 or 314 townhome units. They are requesting the UR-1 zoning to allow the construction of condominiums. Water is available on the opposite side of KY 18, or immediately west of Boone Woods Park. Sanitary sewer will be available in July by the opening of access to the lift station in Boone Woods Park, or via the new sanitary sewer system. Gas, electric, and cable are also available at the site. The parking ratio is 2.4. Total parking is 893 spaces, with 652 being surface spaces and 239 being garage spaces.

Mr. Brehm stated that they anticipate 15,000 square feet of commercial space along KY 18 with 60 parking spaces, which conforms with 4 spaces per 1,000 feet as required under the C-2 zone. He stated that the items of most concern and importance to the people at the last meeting in regard to the commercial frontage along KY 18 were the traffic; the three-story building along Boone Woods Park which has been reduced to two stories; the access road along KY 18 frontage terminating at the McBee property; and the issue of buffering from the adjoining uses, the park, and the properties to the immediate west.

Mr. Brehm offered to answer any questions.

Mr. Neltner asked if there was anyone else present who wished to speak in favor of the request. There was no response. Mr. Neltner then asked if there was anyone present who wished to speak in opposition to the request or to ask questions.

Anne McBee stated that the neighbors find the revised plan more attractive than the previous proposal. Their only concerns are that the C-2 area be limited to office use, and that representation was made to them; that there be proper buffering; buffering on Miss Rouse's side; and proper drainage control.

Dr. Kordenbrock with the Veterinary Hospital that adjoins the Roberts property, noted that the lake is to take 85% of the water run off. He questioned where the remaining 15% will go and if it will impact adjoining properties on KY 18. He questioned where the sewer trunk lines will go.

Mr. Neltner asked if there were any questions from the Commission.

Mrs. Smith asked if the commercial area will be strictly office, or if it will be a strip center or other commercial use.

Mr. Brehm stated that they do not have a user identified for the commercial area. He stated that it would be desirable to have an office user, such as a branch bank or real estate office. They chose the C-2 Zone because it includes those uses and provides for some other commercial uses that they do not want discounted at this time. They want flexibility. He stated that they are not interested in having a White Castle's or that type of use because it is the main entry road for the condominiums. They have as much interest in how the commercial property develops as the adjoining property owners.

Mr. Greene asked if the space between the Rouse house and the Roberts house is designed to be commercial. Mr. Brehm replied "no". He stated that the buffer and the fence were talked about in their meetings with Mr. Rouse and Miss McBee. He stated that the drawing shows a buffer along the McBee property from 60 feet to 100 feet in width. There are drainage problems there that can be cleared up with this development. The Rouse house is 85 feet from the first condominium building and this plan impacts the Rouse property less as there would have been commercial uses along the KY 18 frontage and there would have been grading there. He stated that the plan conceptually shows the buffering they would provide along that portion of the site and it is possible to have mounding to provide further buffering.

In regard to Dr. Kordenbrock's comment, Mr. Brehm stated that the area where the lake is now drains about 85% of the site and this plan will continue to capture at least that amount of water. The other 15% will possibly go toward KY 18 via the drainage ditch facilities. In no case will the stormwater discharge after development be greater than the existing drainage. The purpose of the retention pond is to accommodate stormwater runoff and be a focal feature. In regard to the sanitary sewer trunk line, Mr. Brehm stated that he understands that easements are being

secured and it is their understanding, but they have no confirmation of this, that the trunk line would follow the corridor of the existing creek through the property. The trunk line ultimately heads west to a pumping station, up KY 18, up KY 237 and to the treatment plant. There was no indication to them that the sanitary sewer would be along KY 18.

Mr. Ries stated that he would like to see the C-2 area be UR-1 as he is concerned about the commercial being mixed with the residential, and what type of commercial use it will be. Mr. Brehm stated that residences along the KY 18 corridor is not an adequate transitional use. He stated that the maximum amount of usage in the C-2 Zone will be 15,000 square feet and, hopefully, it will not be a Hardee's or a strip center with a UDF. A branch bank or real estate office would be their preferred use.

Mr. Damstrom asked if the applicant would be willing to eliminate some of the C-2 uses. Mr. Brehm stated that they will work with the Commission and the Staff to go through the C-2 uses and find those which are mutually agreeable to be excluded and make them a condition of the rezoning. Mr. Damstrom asked if this could be done prior to the Committee meeting. Mr. Brehm replied "yes".

Larry Mains, a Boone County resident and taxpayer, questioned what "UR-1" is and what this development will cost him as a taxpayer.

Mr. Geohegan explained the differences between SR-2 and UR-1 zoning. He stated that he did not know how much this would cost a taxpayer.

Mr. Brehm stated that the roadway system and the parking courts in the development would be installed by the developer and maintained by the HOA. Only the first 350 or 400 feet back from KY 18 would be public road. Studies indicate that only about one unit in ten will have a school age child and, therefore, there would be 36 or 37 school age children in the development. Considering the amount of real estate taxes generated and the number of children going into the schools, this type of development pays a higher rate than any other type of residential development in terms of taxes generated and children using the school system. He added that they would pay tap in and meter fees, and gas will be installed at their cost with a rebate from the gas company. Electric is entirely their cost. Landscaping is entirely their cost. Mr. Brehm stated that he does not think it costs the taxpayer anything to have this type of development.

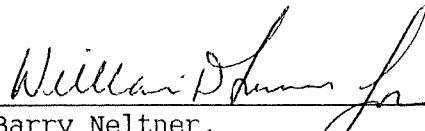
Mr. Neltner asked if these units will be the same type of units as they built on U.S. 42. Mr. Brehm stated that they will be very similar. They see them as two-bedroom and two-bedroom plus den units of 1,120 square feet and 1,440 square feet. They may be slightly larger than South Fork.

Mr. Damstrom asked if there would be pedestrian access to the park. Mr. Brehm stated that initially there was one connection close to the frontage along KY 18 for vehicles. He stated that there are ways to provide fencing -- such as rustic split rail -- at strategic locations for controlled access into the park from this development.

There being no further comments, Mr. Neltner advised that the Committee will meet on June 14, 1993 in regard to this application. This item will be on the Agenda for the Business Meeting on June 16, 1993 at 8 P.M..

Mr. Neltner closed this Public Hearing.

APPROVED:



Barry Neltner,
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

June 16, 1993 - 8:00 P.M.

Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Fred Burch, Vice Chairman
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Robert Kirby, Jr.
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Carol Smith
*Mr. William Viox, Chairman

*arrived during Agenda Item No. 2

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Dillon

Approval of the Minutes:

Mr. Burch stated that each Commission member had received copies of the Minutes of the June 2, 1993 Business Meeting. He asked if there were any comments or questions.

There being no changes to the Minutes, Mr. Rush moved that they be approved as mailed. Mr. McMillian seconded the motion and it carried unanimously.

and construction providing an alternative to mobile homes and began to comment on the negative impacts of mobile homes. Mr. Burch advised Mr. Gospel that the Public Hearing is closed and new evidence cannot be accepted.

Mr. Gospel stated that the chances of being able to sell the Gears property will be greatly diminished if over 100 mobile homes go in there. He stated that it is going to end up being nothing but mobile homes up and down U.S. 25.

At this time, Mr. Burch asked for a vote on the motion made by Mr. Owens which found Mr. Burch, Mr. Damstrom, Mr. Greene, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, and Mrs. Smith in favor. Mrs. Arnett, Mr. Bailey, Mr. DeLong, Mr. Kirby, Mr. Ries, Mr. Rush, and Chairman Viox were opposed. The motion carried by a vote of 8 to 7.

4. Zoning Map Amendment

The request of Hills Building and Construction Services No. 1, Inc. (applicant) for Hovert and Mary E. Roberts (owners) for a Zoning Map Amendment on a 39.19-acre site located off KY 18, west of Boone Woods Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) in order to allow a residential and commercial development.

Staff Member Dave Geohegan presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to all the conditions.

Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Ries seconded the motion.

Mr. Bailey stated that originally there was discussion of having several acres of commercial development in the front, which has changed. This was a change that the developer favored. He questioned why the change was made.

Mr. Brehm advised that it is indicated in the Minutes of the May 19, 1993 Public Hearing that they changed the amount of commercial frontage along KY 18 in response to the comments made at the original Public Hearing and in context with the Land Use Plan to achieve compliance with the Comprehensive Plan.

Mr. Geohegan advised that there were two Public Hearings.

Mr. Bailey stated that if commercial development is not encouraged in these areas as they develop, all the traffic will go to the City of Florence. It is getting to where Florence has a continuous traffic problem. He would like to see some commercial development to help serve the people when there is a big development like this and to help spread

out the traffic congestion more. Commercial development should be encouraged out of the Florence area and in areas where the population is.

There being no further comments, Mr. Burch asked for a roll call vote on the motion made by Mr. Kirby which found Mrs. Arnett, Mr. Burch, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Smith and Chairman Viox in favor. Mr. Bailey was opposed. The motion carried by a vote of 14 to 1.

Mr. Burch advised that the following items are recommended for deferral:

5. Site Plan Review

The request of Boone County Board of Education (applicant) for Hebron Lutheran Cemetery, Inc. (owner) for Site Plan Review to grade a 2.86-acre area located off Limaburg Road, Boone County, Kentucky. The site is zoned Public Facilities (PF).

8. Site Plan Review

The request of Higdon, Daugherty & Griffen (owner) for Site Plan Review to develop Deer Trace Mobile Home Park off U.S. 25, Boone County, Kentucky. The 30-acre tract is zoned Mobile Home Park (MHP).

Mr. Kirby moved that Agenda Items #5 and #8 be deferred to the July 7, 1993 Business Meeting. Mr. McMillian seconded the motion and it carried unanimously.

6. Site Plan Review

The request of Bayer-Becker Engineers (applicant) for Flournoy Development Company (owner by contract) for Site Plan Review to construct 200 dwelling units for Paddock Club on a 20.4-acre site located off Connector Drive, Florence, Kentucky. The site is zoned Urban Residential One (UR-1).

Staff Member Dave Geohegan presented the Staff Report. He reviewed a slide of the Site Plan using the overhead projector. The Staff Engineer has reviewed the Plan. The request meets the minimum requirements and Staff recommends approval. (See Staff Report). The Plan Review Committee has approved the Preliminary Plat and Improvement Plan.

Mr. Geohegan presented the Committee Report which recommended approval of the request based on the Staff Report (see Committee Report).

There being no discussion, Mr. Kirby moved that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Thurman Owens, Chairman

DATE: June 16, 1993

RE: Request of Hills Building and Construction Services No. 1, Inc. (applicant) for Hobert and Mary E. Roberts (owners) for a Zoning Map Amendment on a 39.19 acre site located off KY 18 and west of Boone Woods Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) in order to allow a residential and commercial development.

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and with the following conditions:

Findings of Fact

1. Although the development contains a higher density than recommended in the 1990 Boone County Comprehensive Plan, the Committee believes that the request is generally consistent with written text of the Comprehensive Plan. The Plan calls for high density residential uses to be located along arterial roadways, convenient to commercial and public facilities, and be sensitive to surrounding lower density uses. The Committee believes that the Concept Development Plan submitted for the May 19, 1993 Public Hearing, as modified by the following conditions, accomplishes this. In addition, the Committee believes that the submitted plan addresses the concern in the Comprehensive Plan that some residential uses be provided along KY 18 to avoid continuous commercial development.
2. The Committee believes that the applicant has shown the need and appropriateness for a small commercial or office site to be located off the main entrance to the development. With the attached conditions, this use can be developed without adverse impacts to the surrounding uses or roadways.

Conditions

1. As indicated by the applicant, the development's perimeter shall contain a system of undulating berms and landscape plantings designed to effectively screen adjacent single-family residential and public park uses, provided such berms do not require extensive grading of the site or create storm water drainage problems. This includes the north edge of the site, where screening shall be designed to minimize impact on future Derby Farms residential, and the KY 18 residential frontage, where the applicant has indicated berming to screen buildings from KY 18. The berms need not be continuous, but shall be strategically placed and designed to minimize the visual and stormwater impacts on adjacent property. Where existing hedge rows are present, they shall be retained. The buffers shall be designed to the satisfaction of the Planning Commission.
2. The buffer area adjacent to Boone Woods Park shall be designed in cooperation with the Boone County Recreation Department, and shall contain a split rail fence where suitable.
3. Emergency vehicle access shall be provided to the Derby Farms Subdivision site.
4. The applicant has voluntarily excluded the following C-1 and C-2 permitted uses from the 1.5 acre out-parcel:

Eating and drinking places that contain drive-through facilities,

Drive-through photographic, stenographic and other duplicating and mailing services,

Attached upper story dwelling units,

Arcades and other amusement centers,

Motion picture theaters,

Bowling alley, skating rinks, roller skating rinks, miniature golf courses, golf driving ranges, and skateboard facilities,

Motorcycle sales,

Accessory Recreation uses,

Temporary buildings incidental signage,

Drive-up photo finishing and freestanding automatic teller services,

Retail sale of motor fuels,

Indoor target ranges and similar athletic uses,

Recycling collection points,

Garment and Furniture centers,

Gasoline service stations and normal maintenance, repair, and wash services,

Crematoriums,


Sales or leasing of new and used motor vehicles and recreational vehicles,


Sale of satellite dishes,

Mini-warehouses or storage facilities.

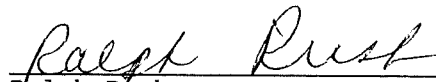
5. Drainage at the southeast corner of the development shall be directed away from the adjacent residential use. Individual stormwater detention may be required for this commercial or office use.
6. The developer agrees to provide for future driveway access to the McBee property, should that property ever redevelop into a commercial/office use.
7. The development shall include a right-turn deceleration lane and a left-turn lane on KY 18 for the proposed access point.


A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Thurman Owens, Chairman

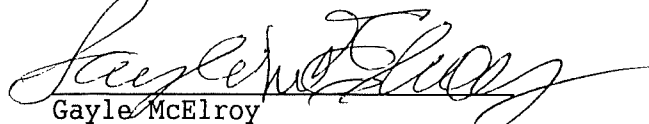

Fred Burch


Barry Neltner


Ralph Rush


Phil Damstrom


Carol Smith


Gayle McElroy

BOONE COUNTY PLANNING COMMISSION

May 19, 1993
7:00 P.M.

PUBLIC HEARING

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 7:10 P.M. and introduced the item on the Agenda:

1. Applicant: Hills Building and Construction Services No. 1, Inc. for
Hobert and Mary E. Roberts (owners)
Request: Zoning Map Amendment

The request of Hills Building and Construction Services No. 1, Inc. (applicant) for Hobert and Mary E. Roberts (owners) for a Zoning Map Amendment on a 39.19-acre site located off KY 18, west of Boone Woods Park, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Urban Residential One (UR-1) and Commercial Two (C-2) in order to allow a residential and commercial development.

Following an explanation of the Public Hearing process, Mr. Neltner asked for the Staff Report.

Staff Member Dave Geohegan presented the Staff Report (see Staff Report). He noted a letter from Mr. Glenn Brehm, Land Development Manager for Hills Building & Construction Services, which was attached to the Staff Report, and summarized the differences between the plan submitted in March, 1993 and the current plan.

Mr. Glenn Brehm submitted to the Commission his report entitled, "Revised Rezone Application, Roberts Farm", which he reviewed. He noted that an 8.5" x 11" reduction of the plan to be used in comparing the two plans was attached to the report. Mr. Brehm stated that there are two houses on the property. The property is bisected by a relatively large stream that will be dammed along the west property line to create a retention pond to drain about 85% of the site and to serve as a major focal feature. The buildings are located based on the topography. There is as much effort as possible to reduce the impact on the adjoining properties. The plan has been modified so that all of the buildings along Boone Woods Park are now two stories and have been moved further from the property line to a range of 40' to 50' from the property line. Along the western property line, common to Carlton Drive, the buildings average 275 feet from the structures on Carlton Drive. They have provided for a connection onto KY 18 opposite Kings Gate Drive. Parking for the development is in parking courts and there is no parking along the major road, which provides safety, convenience, and access benefits.

Mr. Brehm stated that the commercial site is reduced to 1.5 acres from the original 7 acres. The commercial area is at the southeast corner of the property, adjacent to the circulation road and KY 18. On the previous plan, due to the amount of commercial property proposed, the traffic count was approximately 7,898 vehicles per day; and the proposed plan reduces that number by 60% to 3,176 vehicles per day. These numbers were calculated using ITE data.

Mr. Brehm stated that the proposed development contains 37.7 acres of Residential One (UR-1) and 1.5 acres of Commercial Two (C-2) zoning. The number of dwelling units in the previous plan was 320, and it is now 368 due to the elimination of about 5.5 to 6 acres of commercial property being replaced with two additional condominium buildings. The revised plan is in context with the Comprehensive Plan Land Use Plan for this area which suggests high density residential development with open space along KY 18, and a moderate amount of commercial and transitional uses to the abutting properties. They have made efforts to talk to the abutting property owners, particularly along KY 18 and to the east and west of the site, to get their input and to recognize the suggestions in the Land Use Plan.

Using a large copy of the plan displayed on the easel, Mr. Brehm indicated the two 28-unit condominium buildings which will replace the commercial uses. The buildings are back from KY 18, beyond the Roberts property, and on a line with the pole barn. The parking is in the front. There will be a berm along the property line at KY 18. An angle of vision is created from KY 18 so that the garages will not be seen and only the tops of the buildings would possibly be seen from KY 18; and the vision is further reduced by the landscaping to be installed on the mound. The suggestion of the Land Use Plan to maintain open space along KY 18 is realized by the placement of the buildings and the parking in the front.

Mr. Brehm stated that the density with the 368 units is 9.76, and in the previous proposal the density was 9.9. The existing SR-2 zoning would allow the construction of about 313 or 314 townhome units. They are requesting the UR-1 zoning to allow the construction of condominiums. Water is available on the opposite side of KY 18, or immediately west of Boone Woods Park. Sanitary sewer will be available in July by the opening of access to the lift station in Boone Woods Park, or via the new sanitary sewer system. Gas, electric, and cable are also available at the site. The parking ratio is 2.4. Total parking is 893 spaces, with 652 being surface spaces and 239 being garage spaces.

Mr. Brehm stated that they anticipate 15,000 square feet of commercial space along KY 18 with 60 parking spaces, which conforms with 4 spaces per 1,000 feet as required under the C-2 zone. He stated that the items of most concern and importance to the people at the last meeting in regard to the commercial frontage along KY 18 were the traffic; the three-story building along Boone Woods Park which has been reduced to two stories; the access road along KY 18 frontage terminating at the McBee property; and the issue of buffering from the adjoining uses, the park, and the properties to the immediate west.

Mr. Brehm offered to answer any questions.

Mr. Neltner asked if there was anyone else present who wished to speak in favor of the request. There was no response. Mr. Neltner then asked if there was anyone present who wished to speak in opposition to the request or to ask questions.

Anne McBee stated that the neighbors find the revised plan more attractive than the previous proposal. Their only concerns are that the C-2 area be limited to office use, and that representation was made to them; that there be proper buffering; buffering on Miss Rouse's side; and proper drainage control.

Dr. Kordenbrock with the Veterinary Hospital that adjoins the Roberts property, noted that the lake is to take 85% of the water run off. He questioned where the remaining 15% will go and if it will impact adjoining properties on KY 18. He questioned where the sewer trunk lines will go.

Mr. Neltner asked if there were any questions from the Commission.

Mrs. Smith asked if the commercial area will be strictly office, or if it will be a strip center or other commercial use.

Mr. Brehm stated that they do not have a user identified for the commercial area. He stated that it would be desirable to have an office user, such as a branch bank or real estate office. They chose the C-2 Zone because it includes those uses and provides for some other commercial uses that they do not want discounted at this time. They want flexibility. He stated that they are not interested in having a White Castle's or that type of use because it is the main entry road for the condominiums. They have as much interest in how the commercial property develops as the adjoining property owners.

Mr. Greene asked if the space between the Rouse house and the Roberts house is designed to be commercial. Mr. Brehm replied "no". He stated that the buffer and the fence were talked about in their meetings with Mr. Rouse and Miss McBee. He stated that the drawing shows a buffer along the McBee property from 60 feet to 100 feet in width. There are drainage problems there that can be cleared up with this development. The Rouse house is 85 feet from the first condominium building and this plan impacts the Rouse property less as there would have been commercial uses along the KY 18 frontage and there would have been grading there. He stated that the plan conceptually shows the buffering they would provide along that portion of the site and it is possible to have mounding to provide further buffering.

In regard to Dr. Kordenbrock's comment, Mr. Brehm stated that the area where the lake is now drains about 85% of the site and this plan will continue to capture at least that amount of water. The other 15% will possibly go toward KY 18 via the drainage ditch facilities. In no case will the stormwater discharge after development be greater than the existing drainage. The purpose of the retention pond is to accommodate stormwater runoff and be a focal feature. In regard to the sanitary sewer trunk line, Mr. Brehm stated that he understands that easements are being

secured and it is their understanding, but they have no confirmation of this, that the trunk line would follow the corridor of the existing creek through the property. The trunk line ultimately heads west to a pumping station, up KY 18, up KY 237 and to the treatment plant. There was no indication to them that the sanitary sewer would be along KY 18.

Mr. Ries stated that he would like to see the C-2 area be UR-1 as he is concerned about the commercial being mixed with the residential, and what type of commercial use it will be. Mr. Brehm stated that residences along the KY 18 corridor is not an adequate transitional use. He stated that the maximum amount of usage in the C-2 Zone will be 15,000 square feet and, hopefully, it will not be a Hardee's or a strip center with a UDF. A branch bank or real estate office would be their preferred use.

Mr. Damstrom asked if the applicant would be willing to eliminate some of the C-2 uses. Mr. Brehm stated that they will work with the Commission and the Staff to go through the C-2 uses and find those which are mutually agreeable to be excluded and make them a condition of the rezoning. Mr. Damstrom asked if this could be done prior to the Committee meeting. Mr. Brehm replied "yes".

Larry Mains, a Boone County resident and taxpayer, questioned what "UR-1" is and what this development will cost him as a taxpayer.

Mr. Geohegan explained the differences between SR-2 and UR-1 zoning. He stated that he did not know how much this would cost a taxpayer.

Mr. Brehm stated that the roadway system and the parking courts in the development would be installed by the developer and maintained by the HOA. Only the first 350 or 400 feet back from KY 18 would be public road. Studies indicate that only about one unit in ten will have a school age child and, therefore, there would be 36 or 37 school age children in the development. Considering the amount of real estate taxes generated and the number of children going into the schools, this type of development pays a higher rate than any other type of residential development in terms of taxes generated and children using the school system. He added that they would pay tap in and meter fees, and gas will be installed at their cost with a rebate from the gas company. Electric is entirely their cost. Landscaping is entirely their cost. Mr. Brehm stated that he does not think it costs the taxpayer anything to have this type of development.

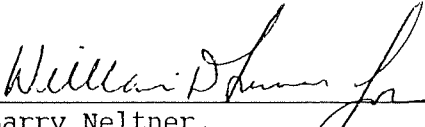
Mr. Neltner asked if these units will be the same type of units as they built on U.S. 42. Mr. Brehm stated that they will be very similar. They see them as two-bedroom and two-bedroom plus den units of 1,120 square feet and 1,440 square feet. They may be slightly larger than South Fork.

Mr. Damstrom asked if there would be pedestrian access to the park. Mr. Brehm stated that initially there was one connection close to the frontage along KY 18 for vehicles. He stated that there are ways to provide fencing -- such as rustic split rail -- at strategic locations for controlled access into the park from this development.

There being no further comments, Mr. Neltner advised that the Committee will meet on June 14, 1993 in regard to this application. This item will be on the Agenda for the Business Meeting on June 16, 1993 at 8 P.M..

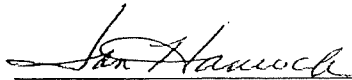
Mr. Neltner closed this Public Hearing.

APPROVED:



Barry Neltner,
Temporary Presiding Officer

Attest:



Jan Hancock, Recording Secretary

Boone County Recorder
August 4, 1993

pers

Wednesday, August 4, 1993

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LEGAL SUMMARY
ORDINANCE NO. 920.261

The Boone County Fiscal Court at its meeting held Tuesday, July 27, 1993, at 5:00 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF HILLS BUILDING AND CONSTRUCTION SERVICES NO. 1 (APPLICANT) FOR ROBERT AND MARY ROBERTS (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL TWO (SR-2) TO URBAN RESIDENTIAL ONE (UR-1) AND COMMERCIAL TWO (C-2) FOR A 30.19 ACRE SITE GENERALLY LOCATED OFF KY 18 AND WEST OF BOONE WOODS PARK, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY A VOTE OF 14-1 BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-93-028-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the County Judge/Executive and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

CAROLYN A. RUDICILL
FISCAL COURT CLERK
P.O. #FC 68270

KENNETH R. LUCAS
COUNTY JUDGE/EXECUTIVE

LARRY CRIGLER
COUNTY ATTORNEY